



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



March 25, 2009

Re: Property: **1719 North Forest Park Ave., Baltimore, MD 21207**  
Project Number: **20222**

Dear Mr :

My review of your appeal of the decision of Technical Preservation Services, National Park Service, denying certification of the rehabilitation of the property cited above is concluded. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. Thank you for meeting with me in Washington on September 30, 2008, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of 1719 North Forest Park Avenue, Baltimore, Maryland, is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2, 3, and 9, of the Secretary of the Interior's Standards for Rehabilitation. Therefore, the denial issued on July 21, 2008, by Technical Preservation Services is hereby affirmed. However, I have further determined that the project could be brought into conformance with the Standards, and thereby be certified, if the corrective measures described below are undertaken.

The property located at 1719 North Forest Part Avenue is located in the Franklintown Historic District. The building was certified as a contributing to the significance of the district on October 9, 2007.

The original portion of the building was constructed circa 1800 and with modifications through the mid-20<sup>th</sup> century. It has served a number of purposes including a butcher/ice house, a workshop, and a garage. The building generally was constructed in two phases. The original portion of the building is a two-story rectangular building with a deep, rough-stone, foundation, basement and first story, and a frame second story with board and batten siding and a front-facing gable roof. The later portion of the building is one-story frame construction, with board-and-batten siding, on a concrete block foundation. It also has a front-facing gable roof, but the roof height is about two feet lower than on the original portion.

The project substantially increased the usable space in the structure, primarily by excavating the filled-in two-story ice house beneath the original portion of the building, and by excavating and constructing additional below-grade space on the south side, topped with a shed-roofed addition to the west and a masonry patio to the east with a "lantern" to provide natural light to the new below-grade space. In its decision, Technical Preservation Services cited four issues that were determined to have caused this

project not to meet the Secretary's Standards, (i) the removal the south-facing board-and-batten wall; (ii) the removal of the board-and-batten shutters and doors, and loft hoist door; (iii) the replacement of the asphalt roof with a standing seam copper roof together with the installation of a cupola and skylights; and (iv) the new construction, including the lean-to addition, concrete patio, and lantern feature.

With respect to the removal of the south-facing board-and-batten wall, you provided additional information during our meeting on September 30, 2008, and in supplemental materials submitted on October 15, 2008, which demonstrated that the south wall was reconstructed in 1958 when the adjacent house was built, thus placing that feature outside the period of significance for the property. In this case, removing a non-historic exterior wall, while not a recommended treatment, is not a violation of the Standards, and is therefore not a factor in my decision.

With respect to the removal of the board-and-batten shutters and doors and the loft hoist door, you provided additional information confirming the current storage of these features and you have committed to re-installing these character defining features at the conclusion of the project. For this reason, the removal of these features is also not a factor in my decision.

And, with respect to the replacement of the asphalt roof with a standing seam copper roof together with the installation of a cupola and skylights, the additional information you provided demonstrated that the roof was replaced sometime in 1999, prior to the submission of the Part 1 – Evaluation of Significance. Thus, that work is not considered part of this rehabilitation project. Accordingly, this issue is not cause for denial of certification and is not a factor in my decision.

Finally, I have reviewed the new construction, including the lean-to addition, concrete patio, and lantern feature. With respect specifically to the concrete patio, I have determined that the concrete patio is actually the roof deck for the below-grade addition. Because it is at grade, it has no significant impact on the overall character of the building. Accordingly, the concrete patio is not a factor in my decision. However, the new above-grade construction, including the enclosed lean-to addition, the "lantern" skylight feature, and the fence along the east edge of the patio, is cause for concern. With respect to the enclosed lean-to addition, the addition approximates the location and massing of an earlier, open, lean-to shed. However, constructing walls around the perimeter of the proposed addition changes the historic open-shed character of this feature to an enclosed room addition, which violates Standard 2. Standard 2 states, "*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.*" With respect to the lantern skylight feature, the feature appears designed to resemble an historic water well. Such a design conveys a false sense of history in violation of Standard 3, which states in part, "*Changes that create a false sense of historical development, such as adding conjectural features . . . shall not be undertaken.*" In addition, the size of the lantern makes it an overly prominent feature that detracts from the modest scale of the historic structure, contravening Standard 9, which states, "*New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*" And finally, with respect to the fence, its configuration and location adjacent to the lantern creates a second prominent new feature incompatible with the historic character of the property, also contravening Standard 9. Thus, I have determined that the new, above-grade, construction proposed for 1719 North Forest Park Avenue, consisting of an enclosed lean-to addition, the "lantern" skylight feature, and the fence along the east edge of the patio, fail to meet the Secretary's Standards.

However, I have further determined that the project can be brought into conformance with the Standards, and thereby achieve the requested certification, if the following corrective measures are undertaken.

- The design of the lean-to addition must be changed so that it retains the open character of the open shed it replaces. A revised design may fully enclose the space, but the character of the space must be open to the greatest extent possible. This could be accomplished by maximizing the glazed areas of the perimeter wall, for instance by enlarging the three windows in the western wall to the full height of the addition, installing full-height sliding glass doors on the south side (as you suggested at the appeal meeting), and by glazing the half gable at each end.
- The "lantern" skylight feature must be changed to reduce its visual prominence and to avoid conveying a false sense of history. This could be accomplished by reducing its height and by using a contemporary but compatible design and materials.
- The proposed fence is not constructed, an option you raised at the appeal meeting.

These measures would allow the project to be certified as meeting the minimum requirements for certification established by law.

If you choose to proceed with the corrective measures described above, please submit an amended Part 2 application detailing any proposed changes for approval before proceeding with the work. Send the amendment to Technical Preservation Services, National Park Service, Attention: I 1201 I Street NW, Sixth Floor, Washington, DC 20005, with a copy to the Maryland Historical Trust. Note that this project will not become a "certified rehabilitation" eligible for the tax incentives until it is so designated by the NPS.

As Department of the Interior regulations state, my decision is the final administrative decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-MD  
IRS